IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24251 of 2006
With
SPECIAL CIVIL APPLICATION No. 24252 of 2006
To
SPECIAL CIVIL APPLICATION No. 24255 of 2006
With
CIVIL APPLICATION No. 13704 of 2006
To
CIVIL APPLICATION No. 13708 of 2006

For Approval and Signature:

HONOURABLE *MS. JUSTICE R.M. DOSHIT*

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to civil judge ?

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KHEDA DISTRICT PANCHAYAT & 1 - Petitioner(s)

Versus

GOVINDBHAI MANGUBHAI VALAND - Respondent(s)

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Appearance :

MR PRADEEP PATEL for Petitioners
MR RAJESH R DEWAL for Respondents

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 08/02/2007

ORAL JUDGMENT

*H*eard the learned advocates.

Rule returnable *today*. Mr. Rajesh Dewal waives service of rule.

The petitioner-Kheda District Panchayat has preferred the present petitions against the common judgment and award dated 29th March, 2006 passed by the Labour Court, Nadiad in Reference [LCN] Nos. 250 of 1992 to 255 of 1992 in so far as the reference nos. 250 of 1992 to 254 of 1992 are allowed.

It was the claim of the respondents-workmen that in August, 1987, the District Panchayat had made requisition to the Employment Exchange office for appointment of clerks on drought relief work. In answer to the said requisition, the names of the workmen were sponsored by the Employment Exchange office. The workmen were interviewed, were selected and were appointed on 22nd September, 1987. Their service came to be terminated by notice dated 18th June, 1988 in *violation* of Section 25-F of the Industrial Disputes Act, 1947.

The said References were contested by the petitioner-Panchayat. According to the Panchayat, the workmen were appointed on drought relief work subject

to the terms and conditions mentioned in the orders of appointment, their service were liable to be terminated without notice. In consonance with the conditions of service, their service came to be terminated on 15th June, 1988 on completion of drought relief work. It, however, appears that since filing of the written reply, the Panchayat did not attend the references. In absence of effective defense by the petitioner-Panchayat, the Court below has held that the termination of the service of the workmen was in contravention of Section 25F of the Industrial Disputes Act, 1947. *Consequently*, the petitioner-Panchayat has been ordered to reinstate the workmen in service and to consider their service continuous. Therefore, the present petitions.

Pending these petitions, the petitioner-Panchayat has taken out above Civil Applications for production of additional documents ie., the orders of appointment of the workmen and of the termination of their service.

On the facts and in the circumstances of the case, the *impugned* judgment and award dated 29th March, 2006 in so far as the Reference nos. 250 of

1992 to 254 of 1992 are allowed is *quashed* and *set-aside*. The said References are remanded to the Court below for hearing an decision afresh. Rule is made absolute in the above terms.

This order is made on condition that the petitioner Panchayat will pay cost of Rs. 1,000/= to each workman. Such cost shall be paid *within* fifteen days from *today*. Both the parties will be at liberty to lead further evidence and produce relevant documents. The petitioner-Panchayat will attend the references scrupulously and will not seek any avoidable adjournment.

In view of the above order, Civil Applications stand disposed of.

{Ms. R.M Doshit, J.}

*Prakash**